

REMARKS

The Office Action dated September 23, 2003, has been received and reviewed.

Claims 25-34 are currently pending in the above-referenced application. Claims 25-29 stand rejected. Claims 30-34 have been withdrawn from consideration.

Reconsideration of the above-referenced application is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 25-29 stand rejected under the first paragraph of 35 U.S.C. § 112 for reciting subject matter for which the originally filed specification purportedly does not provide an adequate written description. Specifically, it has been asserted that the originally filed specification does not provide an adequate written description of a plurality of capture oligonucleotides that are “immobilized site-specifically to substantially all regions of . . . at least one surface [of a waveguide] having a base coating thereon, the base coating being located only on portions of the at least one surface . . .,” as recited in independent claim 25.

The originally-filed specification of the above-referenced application, at page 23, lines 6-11, clearly indicates that site-specific immobilization requires placement of a base coating onto desired regions of a substrate. Thereafter, the substrate is exposed to capture molecules. The capture molecules bind specifically to the sites on the substrate to which the base coating has been applied.

In addition, Figs. 1A through 2A of the above-referenced application provide representations of how oligonucleotides may be site-specifically immobilized. Fig. 1 depicts strips 104 on the surface of a substrate 102 (*e.g.*, a waveguide) to which binding molecules (*e.g.*, oligonucleotides) may be immobilized. *See also* page 10, line 19, to page 11, line 3. Further, Figs. 1A and 2A show substrates that have binding molecules 106 on only portions of surfaces 103 thereof.

For these reasons, it is respectfully submitted that the originally filed specification provides an adequate written description of the subject matter recited in independent claim 25, as well as for the subject matter recited in claims 26-29, each of which depends directly from independent claim 25. Accordingly, it is respectfully submitted that each of claims 25-29

complies with the written description requirement of 35 U.S.C. § 112, second paragraph, and is, therefore, in condition for allowance under the first paragraph of section 112.

Withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of claims 25-29 is, therefore, respectfully requested, as is the allowance of claims 25-29.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 26 and 27 stand rejected under 35 U.S.C. § 112, second paragraph, for assertedly being indefinite. In particular, claims 26 and 27 recite a first coating, whereas independent claim 25 recites a base coating, which recitation were purportedly confusing.

Claims 26 and 27 have both been amended to replace the recitation of a “first coating” with a “base coating,” making them consistent with independent claim 25. It is respectfully submitted that these revisions do not alter the scope of any of the claims of the above-referenced application, as they merely comprise replacing one term with an equivalent term.

As the term “base coating” is now used consistently throughout the claims, it is respectfully submitted that any confusion has been removed, making claims 26 and 27 definite and rendering them in compliance with the requirements of 35 U.S.C. § 112, second paragraph, and in condition for allowance.

Accordingly, withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 25 and 26 is respectfully requested, as is the allowance of claims 26 and 27.

CONCLUSION

It is respectfully submitted that each of claims 25-29 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the referenced application has been passed for issuance. If any issues preventing the allowance of any of claims 25-29 remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", with a long horizontal flourish extending to the right.

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